

EXHIBIT G

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September 11, 2018

VIA EMAIL

David J. Butler
Morgan Lewis
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
202-373-6723

Re: *National Association for the Advancement of Colored People,
Spring Valley Branch v. East Ramapo Central School District*, No. 17 Civ. 8943

Dear Counsel:

We write in response to your letter from September 4, 2018 concerning Plaintiffs' document productions.

Plaintiffs' Document Production

"Missing" Documents

First, with respect to named Plaintiffs for whom we have not presently produced documents, as previously represented during the parties' March 2018 meet and confer concerning the District's as of then outstanding Board member document productions, we conducted thorough interviews of all named Plaintiffs. During those interviews, we learned which individuals maintained any potentially responsive documents. We determined, based on such interviews, that Julio Clerveaux, Hillary Moreau, Jose Vitelio Gregorio, and Washington Sanchez do not possess any further responsive documents beyond what has already been produced.

However, Plaintiffs have discovered approximately 400 documents from Eric Goodwin which were not produced due to a vendor error. We are reviewing those documents for privilege and preparing to produce any non-privileged responsive documents, and anticipate producing them to the District this week. In addition, approximately ten documents from Dorothy Miller and two from Alexandra Manigo were inadvertently withheld from production as potentially privileged. Plaintiffs will also endeavor to produce those documents this week.

Metadata

We have investigated the metadata issue and without undue burden Plaintiffs cannot determine the exact set of documents the District claims is deficient with respect to metadata values. For example, of the 2,828 documents which the District did not specifically identify by Bates number in its letter, our understanding is that least some of those documents may be hard copy documents. The custodians and Bates ranges for those 2,033 documents are: Alexandria Manigo, PL0000201 -- PL0000402; Chevon DosReis, PL0000406 -- PL0000420, and Oscar Cohen, PL0000422 -- PL0007432. Hard copy documents were collected and scanned as they were maintained in the regular course of business or as individuals maintained them in their personal files. Plaintiffs' understanding is that at minimum all hard copy documents were to be produced with custodian metadata. However, in order to further investigate the documents the District claims are lacking any or specific metadata fields, Plaintiffs require a list of Bates numbers for each such document. Please provide Plaintiffs with a list of affected documents, and we will further investigate the issue.

The District's Document Production

Plaintiffs have identified several issues with the District's document productions to-date.

Plaintiffs' March 9, 2018 Document Requests

The District has not yet produced any documents responsive to Plaintiffs' March 9, 2018 Second Set of Requests for Production. That request called for "[a]ll document productions You made to or received from any party or non-party in the matter of *Montesa et al. v. Schwartz et al.*, No. 12 Civ 6057 (S.D.N.Y.)." The District has neither responded nor objected to this request which has been pending for over six months, and accordingly has waived any objections it may have to producing these documents. Please promptly inform Plaintiffs when the District intends to produce documents responsive to this request.

Text Message and Social Media Documents

Upon review of the District's document productions, it is apparent that the District either never collected, or collected but has not yet produced, any text messages or social media documents as requested both in Plaintiffs' First Set of Requests for Production to the District served on February 15, 2018, and Plaintiffs' March 15, 2018 Amended Subpoena *Duces Tecum* to the non-party Board members. Plaintiffs have only been able to identify two social media documents which were both attachments to emails. For each Board member and any District document custodian, please confirm whether you collected any text messages, or other electronic instant messages through applications such as WhatsApp, and/or any social media based messaging such as Facebook messenger or another direct messaging platform. If you have not, please provide the basis on which you declined to collect and produce responsive documents from these sources.

Missing Metadata and Improper Document Collection

At least 50 documents, identified in Appendix A, attached hereto, are missing metadata. While at least some of these appear to also be documents with redactions, it is improper to redact all metadata for these documents. Certain metadata cannot possibly contain any privileged information, such as the date and to, from, cc, or bcc fields. Please provide Plaintiffs with the missing metadata for these documents.

In addition, your production indicates that at least some collections were not completed forensically. For example, ERCSD_WIEDER_00000002 has a document metadata date of 2018, when it was likely collected, and not 2008, which appears to be the actual date of the document as indicated in the email chain contained therein. Such discrepancies between the documents and the metadata make it impossible to accurately assess the sufficiency of the District's document productions, and creates unnecessary burden on Plaintiffs in reviewing these documents. Plaintiffs are now apparently required to determine the true date of these documents, and are unable to structure a review of these documents sorted by date, for example. Please confirm whether the District is able to re-produce these documents or provide an overlay production with accurate date metadata.

Missing Documents

The District has not yet produced any documents from Pierre Germain, and has produced only twenty-nine documents from Bernard Charles, twenty-five of which are all part of the same email thread. The District cannot claim that Messrs. Germain and Charles lack responsive documents. In fact, there are a number of emails produced by other Board members which copy Mr. Germain (using the email addresses pcgerm@optonline.net or pc7germ80@gmail.com) and Mr. Charles (using the email address bcharles02@gmail.com) post-dating the October 2, 2017 litigation hold letter addressed to the Board. Specifically, there are at least sixty emails produced from the files of Harry Grossman on which Messrs. Germain and Charles are either senders or recipients. None of these e-mails appear to have been produced from Mr. Germain's or Mr. Charles' files.¹ While we would expect some level of de-duplication, there is no basis for the District to withhold a document collected from the files of its original author or sender. As the District is aware, documents from Germain or Charles that are also reflected in the emails of other Board members could contain additionally responsive threads or attachments. As such, please inform Plaintiffs whether the District will be producing any documents from Mr. Germain, and additional documents from Mr. Charles.

In addition, Mr. Joel Freilich is the custodian of only eight documents, and Mr. Jacob Lefkowitz is the custodian of only two documents. Please confirm whether additional responsive

¹ See, e.g., ERCSD_Grossman_00000592, ERCSD_Grossman_00000803, ERCSD_Grossman_00000805, ERCSD_Grossman_00000829, ERCSD_Grossman_00000001, ERCSD_Grossman_00000010, ERCSD_Grossman_00000020, ERCSD_Grossman_00000021, and ERCSD_Grossman_00000002.

documents from Mr. Freilich or Mr. Lefkowitz exist, and if so, whether the District intends to produce those documents.

Importantly, the District also appears to have not produced “[c]ommunications [or] Documents relating to each Board Member’s candidacy or application for or receipt of any public office” as requested in Plaintiffs’ document requests to the Board members, with the exception of Mr. Aaron Wieder. For example, Messrs. Germain and Charles have both run for the Board twice since 2013. Mr. Charles also applied successfully to be appointed to a vacant seat on the Board in 2013. Mr. Charles was also (1) appointed to the position of Deputy Mayor for the Village of Spring Valley in December 2017, (2) appointed to the Town of Ramapo Planning Board in 2013; and (3) campaigned for the position of Mayor of Spring Valley in 2013; and (4) has held and continues to hold positions with the Town of Ramapo or Village of Spring Valley.² Despite this, neither Mr. Germain nor Mr. Charles have produced any documents relating to their candidacy for *any* office. Please confirm, in addition to the deficiencies identified above, whether the District will be producing candidacy-related documents from Messrs. Germain’s or Mr. Charles’ files, or whether no such documents exist. Similarly, Messrs. Freilich, Grossman, Rothman, Weissmandl, Berkowitz, and Lefkowitz also appear to have not produced any documents relating to their candidacies for office. Please confirm whether you will be producing any such documents from these Board members’ files.

Date Range

Plaintiffs requested documents from the Board members for the time period of January 1, 2005 – present. However, the District has not produced any documents for Board members other than Mr. Wieder from earlier than 2013. As the District knows, Mr. Weissmandl served on the Board from 2011 and 2012; and Mr. Rothman and Mr. Lefkowitz both served on the Board in 2012. Please confirm whether the District has collected and intends to produce documents from these Board members for these enumerated years, and if not, please explain why such documents are being withheld from production.

Privilege Log

A number of documents were produced with redactions, and yet the District has not provided Plaintiffs with a privilege log. As such, it is unclear on what basis the District is claiming privilege over the portions of those redacted documents. In addition, it is still unclear whether the District withheld in full any documents on the basis of a claim of attorney-client, work product, or legislative privilege. Please promptly provide Plaintiffs with a privilege log of all redacted or fully withheld documents, including the basis on which these documents were withheld and a description of each document such that Plaintiffs can adequately address the sufficiency of the District’s claims of privilege.

² Please note that Plaintiffs’ subpoena to Mr. Charles seeks any “expression of interest in candidacy or application for *any public office* or any solicitation or encouragement of . . . [an] interest in candidacy or application for public office by anyone else.”

LATHAM & WATKINS LLP

We are available to meet and confer about the above issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Claudia T. Salomon", with a long horizontal flourish extending to the right.

Claudia T. Salomon

cc: All Counsel of Record

Appendix A

1. ERCSD00012049
2. ERCSD00015463
3. ERCSD_GROSSMAN_00000023
4. ERCSD_GROSSMAN_00000028
5. ERCSD_GROSSMAN_00000030
6. ERCSD_GROSSMAN_00000032
7. ERCSD_GROSSMAN_00000035
8. ERCSD_ROTHMAN_00000026
9. ERCSD_ROTHMAN_00000028
10. ERCSD_ROTHMAN_00000051
11. ERCSD_WEISSMANDL_00000025
12. ERCSD_ROTHMAN_00000267
13. ERCSD_ROTHMAN_00000269
14. ERCSD_WEISSMANDL_00000168
15. ERCSD_WEISSMANDL_00000170
16. ERCSD_WEISSMANDL_00000173
17. ERCSD_BoE_00000001
18. ERCSD_BoE_00000002
19. ERCSD_BoE_00000004
20. ERCSD_BoE_00000012
21. ERCSD_BoE_00000013
22. ERCSD_BoE_00000015
23. ERCSD_BoE_00000017

24. ERCSD_BoE_00000019
25. ERCSD_BoE_00000021
26. ERCSD_BoE_00000022
27. ERCSD_BoE_00000024
28. ERCSD_FREILICH_00000007
29. ERCSD_FREILICH_00000009
30. ERCSD_FREILICH_00000010
31. ERCSD_FREILICH_00000012
32. ERCSD_FREILICH_00000014
33. ERCSD_GROSSMAN_00000504
34. ERCSD_WEISSMANDL_00000215
35. ERCSD_WEISSMANDL_00000216
36. ERCSD_WEISSMANDL_00000217
37. ERCSD_WEISSMANDL_00000218
38. ERCSD_WEISSMANDL_00000220
39. ERCSD_WEISSMANDL_00000222
40. ERCSD_WEISSMANDL_00000224
41. ERCSD_GROSSMAN_00000570
42. ERCSD_GROSSMAN_00000572
43. ERCSD_GROSSMAN_00000574
44. ERCSD_ROTHMAN_00000309
45. ERCSD_WEISSMANDL_00000257
46. ERCSD_WEISSMANDL_00000258
47. ERCSD_WEISSMANDL_00000259
48. ERCSD_WEISSMANDL_00000261

49. ERCSD_WEISSMANDL_00000329

50. ERCSD_WEISSMANDL_00000331